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SECTION 1: Section 35-338 “RIO” River Improvement Overlay Districts is amended as follows. Additions are underlined and deletions are indicated by a ~~strikethrough~~.

35-338 “RIO” River Improvement Overlay Districts

The purpose of these districts is to establish regulations to protect, preserve and enhance the San Antonio River and its improvements by establishing design standards and guidelines for properties located near the river. The San Antonio River is a unique and precious natural, cultural and historic resource that provides a physical connection through San Antonio by linking a variety of neighborhoods, cultural sites, public parks and destinations. The districts cover a total of six geographic areas spanning the river from its northern boundary, near Hildebrand Avenue, to a southern boundary near Mission Espada and the southern city Limits.

Specific purposes of the River Improvement overlay are as follows:

- *Protect and enhance the overall character of the San Antonio River.*
- *Protect and enhance the unique experiences along the length of the river as well as define development nodes of greater activity.*
- *Preserve and protect the distinctive historic character of the river walk and the Hugman features.*
- *Promote the integration of the street and river levels.*
- *Prevent the negative impacts caused by incompatible and insensitive development and promote new compatible development.*
- *Maintain the openness and natural habitat of the river, access to its trails and provide safety for its users.*
- *Assure that development near the river is compatible with a future vision of a series of mixed-use neighborhoods with commercial and residential nodes that orient to the river and/or stimulate redevelopment of existing commercial corridors.*

The River Improvement overlay implements the following policies of the Master Plan:

- *Economic Development, Policy 2b: Promote consistency in the development process.*
- *Neighborhoods, Policy 5I (2): Discourage development of parking garages adjacent to the River Walk and the city’s plazas and parks.*

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- *Urban Design, Policy 1b (1): Create and adopt design guidelines and standards that will enhance the quality of life in San Antonio.*
- *Urban Design, Policy 1b (6): Develop unique and specific design standards for areas throughout the city, including neighborhoods and downtown.*
- *Urban Design, Policy 1e: Apply strategies, which will result in all streetscapes being accessible, safe and stimulating.*
- *Urban Design, Policy 3b: Plan and develop a citywide system of linear parks and hike and bike trails which incorporate drainage ways and open spaces which link parks, schools, institutions, and neighborhoods.*

(a) Boundaries

The specific boundaries of the River Improvement overlay are shown on the city of San Antonio's Official zoning Map.

(b) Zoning Classification

(1) Overlay District.

The river improvement overlay is designed as an overlay to the regular zoning districts. Properties located within these overlay districts must also be designated as being within one of the regular, underlying zoning districts.

(2) Zoning Designation.

The zoning designation of property located within the river improvement overlay shall consist of the regular zone symbol and the overlay district symbol as a suffix. The six river improvement overlay districts are "RIO-1", "RIO-2", "RIO-3", "RIO-4", "RIO-5" and "RIO-6". For example, if a parcel is zoned "C-1" and is also located within "RIO" District 2, the zoning designation of the property would be "'C-1" (RIO-2). A River Improvement overlay district development node suffix would be "RIO-2 DN".

(3) Development Nodes.

It is the intent of this section that a river improvement overlay district development node shall be restricted to areas lying fully within a river Improvement overlay district that are located at 1) the intersection of a major thoroughfare and the San Antonio River or

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2) the intersection of two major thoroughfares or 3) if not located at an above mentioned intersection, abut the San Antonio River and be a minimum of 12 acres. Development nodes must range in size from three to twenty acres and shall be located a minimum of one half mile apart. A development node must include property located on both sides of the street and/or river. A development node must provide at least two of the following uses: office, retail and multi-family residential. Designation of a development node provides for a minimum setback of 0 feet from all property lines including riverside and the ability to increase the building height by 50 percent from the requirements set out in Article 6.

(4) Neighborhood Conservation Districts.

Notwithstanding any other provision of this ordinance, design standards for an established and adopted neighborhood conservation district within or overlapping a river improvement overlay district shall take precedent over the design standards of this ordinance if a conflict exists between the two.

(c) Uses

(1) Prohibited Uses.

A. The following uses are prohibited within the river Improvement overlay districts:

1. Billboards.
2. Transmitter towers, cell towers, or any freestanding commercial antennas.
3. Truck and heavy equipment - auction.
4. Auto – Manufacture.
5. Auto and light truck auction.
6. Storage - outside.
7. Batching plant.
8. Stockyard.
9. Junkyard or salvage yard.
10. Abrasive manufacturing.
11. Acetylene gas – manufacturing & storage.
12. Hazardous materials hauling or storage.
13. Petro chemicals bulk storage.
14. Metal forging or rolling mill.
15. Packing plant.
16. Petroleum – manufacturing or processing.
17. Poultry processing.
18. Rendering plant.

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19. Sand or gravel – storage or sales.
20. Vulcanizing, recapping.
21. Wood processing by creosoting or other preservation treatment.

B. In addition to the uses prohibited above, the following uses are prohibited within the river improvement overlay districts where development is proposed on a property that directly abuts the river or on a property that falls within 100 feet of the river right-of-way:

1. Parking & transient vehicle storage – related to delivery.
2. Parking and/or storage – long term.
3. Tire repair – auto & small truck.
4. Truck repair & maintenance.
5. Truck stop or laundry.
6. Can recycle collection station.
7. Dry cleaning – plant.
8. Laundry – plant.
9. Flea market – outdoor.
10. Farm equipment sales, service or storage.
11. Oil well supplies and machinery sales
12. Oil refining
13. Portable building sales.
14. Electric repair – heavy equipment.
15. Manufactured home/oversize vehicle sales, service or storage.
16. Paper products – manufacturing.
17. Sexually-oriented businesses.
18. Parking structures, except where the parking structure is separated by at least twenty-five feet (25 ft) from directly abutting the river by a permitted use and is not visible from the river or river right-of way.

C. In addition to the uses prohibited in Subsections A and B above, except as set out in Subsection E, the following uses are prohibited within river improvement overlay district **RIO-3** if the property is adjacent to the San Antonio River, has direct access to the San Antonio River or if any portion of a structure or building extends above and is adjacent to the San Antonio River:

1. A Formula Restaurant use, or
2. Any Food Service Establishment, restaurant or cafeteria use in which more than 4,000 square feet of space on any single floor consisting of the Building footprint plus any adjoining exterior space, whether covered or not, such as a patio or deck is devoted to dining or eating purposes. For the purpose of the calculation of the area devoted to dining or eating purposes, the

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support areas are not included. Support areas are the kitchen areas, storage areas or office areas in which members of the public do not dine or eat. For the purpose of this section, "Food Service Establishment, restaurant or cafeteria" shall mean every restaurant, cafe, cafeteria, coffee shop, sandwich shop, snack bar, supper club, soda fountain, soft drink or ice cream parlor, luncheonette, or other similar establishment, which offers food or beverages for purchase and consumption on or off the premises

D. In addition to the uses prohibited in Subsections A and B above, except as set out in Subsection E, the following use is prohibited within river improvement overlay districts **RIO-1, RIO-2, RIO-4, RIO-5 and RIO-6** if the property is adjacent to the San Antonio River, has direct access to the San Antonio River or if any portion of a structure or building extends above and is adjacent to the San Antonio River:

1. A Formula Restaurant use within 500 feet of the nearest point of another Formula Restaurant, including buildings, decks, balconies, patios or any other area used for public dining.

E. Subsections C and D of this Section shall not apply if the portion of the property devoted to Food Service Establishment, restaurant or cafeteria use is:

1. set back at least 100 feet from the property line of the San Antonio River, or
2. wholly located within a building primarily devoted to a non-retail use such as a hotel or an office, if the public access to the Food Service Establishment, restaurant or cafeteria use is limited to a location within the interior of the building and further that the Food Service Establishment, restaurant or cafeteria use does not have direct pedestrian access (other than emergency exits) to the San Antonio River or any portion of the Riverwalk.

F. For purposes of this Section, the term "San Antonio River" shall mean the area within the public property lines of the bed and banks of the San Antonio River, the river extension to Rivercenter Mall and the Henry B. Gonzalez Convention Center, the flood bypass channel that connects the north and south bends of the Riverwalk and any sidewalk, walkways, patios, hiking or biking trails which abut the San Antonio River, the extension or the bypass channel.

1. G. Non-conforming Rights. A Food Service Establishment, restaurant or cafeteria that is not a Formula Restaurant on the effective date of this ordinance or on the date it opens for business, whichever is later, solely because it is one of nine

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or fewer such establishments, shall not obtain any non-conforming rights as a Formula Restaurant if through opening of subsequent locations it would otherwise meet the definition of a Formula Restaurant. It may continue in operation under its original format but it may not be converted into any other Formula Restaurant.

(2) Permitted Uses.

All other uses authorized by the underlying zoning district are permitted subject to the conditions set forth in Division 6 of Article 6 of this chapter.

(3) Nonconforming Structures and Uses.

Any structure or use which presently exists in a river Improvement overlay district which was lawfully authorized by ordinance or regulations existing prior to the effective date of the River Improvement overlay districts may continue and may be maintained, modified or repaired as authorized and in accordance with the provisions of Article VII Division 1 of this chapter (entitled “nonconforming uses”).

(d) Exception for Residential Uses

(1) Single Family Development.

Notwithstanding any other provisions of this ordinance, the new construction, alteration, restoration, rehabilitation, ordinary repair, maintenance or demolition of a single-family development shall not be subject to § 35-338 of this chapter except when the single-family development exceeds the lesser of 5 units or 5 acres.

(2) Multi Family Development.

Notwithstanding any other provisions of this ordinance, the new construction, alteration, restoration, rehabilitation, ordinary repair, maintenance or demolition of a multi family development shall not be subject to § 35-338 of this chapter except when the multi-family development exceeds 8 units.

(3) Mixed Residential Development.

Notwithstanding any other provisions of this ordinance, the new construction, alteration, restoration, rehabilitation, ordinary repair, maintenance or demolition of a mixed residential development shall not be

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subject to § 35-338 of this chapter except when the mixed residential development exceeds 8 units.

(e) Design Standards

River Improvement overlay districts shall be governed in accordance with Division 6 of Article 6 of this chapter.

(f) Administration

River Improvement overlay districts shall be governed in accordance with Division 5 of Article 4 of this chapter.

(g) Enforcement, Violations and Penalties

River Improvement overlay districts shall be governed in accordance with Division 11 of Article 4 of this chapter.

SECTION 2: Appendix A: Definitions & Rules of Interpretation to Chapter 35 of the Code of the City of San Antonio is amended as follows. Additions are underlined and deletions are indicated by a ~~strike through~~.

(a) Add the following notation in the index in the appropriate alphabetical order and renumber any items in the index as necessary.

Formula Restaurant.....36.

(b) Add the following definition in the appropriate alphabetical order.

- Formula Restaurant
A Food Service Establishment, restaurant or cafeteria that, along with nine or more other Food Service Establishments, restaurants or cafeterias is operated or would be operated upon its opening for business:

A. pursuant to a contract or other arrangement that requires one or more of the following:

1. Standardized décor, architectural design, signage or similar features;
2. Standardized uniforms for servers;
3. Standardized menu;
4. Limitations on use of suppliers to pre-approved suppliers;
5. Common use of name, trademarks or service marks with other Food Service Establishment, restaurant or cafeterias; or

B. under a format that causes the Food Service Establishment, restaurant or cafeteria to be substantially identical to at least nine other Food Service

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Establishments, restaurants or cafeterias taking into account the factors set out in A, 1-5, above, regardless of ownership or location.

SECTION 3: Chapter 35, Article 3 Zoning, Section 35-310.01, Table 311-2 Non-Residential Use Matrix is amended in part as follows. Additions are underlined and deletions are indicated by a ~~strikethrough~~.

Service	Food - Restaurant Or Cafeteria		P	P	P	P	P	P	P	P	P	P	P	2150
Service	Food service establishment Restaurant, Cafeteria, Delicatessen, Ice cream parlor, buffet, bar-b-que, (with or without ancillary catering services)	-	P	P	P	P	P	P	P	P	P	-	P	2150
Service	Food - Restaurant Or Cafeteria		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>2510 2520</u>
Service	Food service establishment-- Restaurant, Cafeteria, Delicatessen, Ice cream parlor, buffet, bar-b-que, (with or without ancillary catering services)	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	<u>P</u>	<u>2510 2520</u>

SECTION 4. Should any article, section, part, paragraph, sentence, phrase, clause or word of this ordinance for any reason be held illegal, inoperative, or invalid or if any exception to, or limitation upon any general provision herein contained be held unconstitutional, invalid or ineffective, the remainder shall, nevertheless, stand as effective and as valid as if it had been enacted and ordained without the portion held to be unconstitutional, invalid or ineffective.